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SUBJECT: MONTENEGRO ELECTION PRIMER: RULES OF THE RACE

REF: A) PODGORICA 023; B) PODGORICA 018

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11. (SBU) SUMMARY: Montenegro will hold pre-term parliamentary elections on March 29, concurrently with municipal assembly elections in Niksic and Budva and mayoral elections in Tivat and Herceg Novi. According to the current Election Law, Montenegro's 81-seat Parliament is elected from candidate lists of registered parties and coalitions receiving three-percent or more of the vote. Five seats are elected from designated Albanian-majority polling stations. The State Election Commission (SEC) will publish the list of registered parties/coalitions in early March; the last opinion poll may be published no later than March 19, and there is a media blackout on electioneering 24 hours before election day. END SUMMARY.

Pre-Term Elections for March 29

12. (U) Following Parliament's January 26 vote to curtail its mandate, President Vujanovic called new elections for March 29 (ref A). The election campaign officially begins from the moment of the President's announcement. Municipal elections in Niksic and Budva and mayoral elections in Tivat and Herceg Novi will also be held on March 29. (Note: Parliamentary elections were originally supposed to be held at the end of 2009.)

Controversial Election Law

13. (SBU) The elections will be held according to the 1998 Law on the Election of Councilors and Representatives (the Election Law), despite the fact that this law has not been harmonized with the October 2007 Constitution as mandated by the Law on the Implementation of the Constitution. Opposition leaders have called for delay in the election, citing several inconsistencies with the Constitution (ref B):

--The Constitution grants voting rights to "citizens" of Montenegro, while the Election Law refers to "residents;"

--The Constitution refers to the "authentic representation of minorities," while the Election Law specifies set-aside seats only for Albanians; and

--While both the Constitution and the Election Law mandate an 81-member Parliament, the Election Law says that there should be one MP for every 6,000 voters, which would mean that the Parliament should have 82 seats.

¶4. (SBU) On January 26, the majority Democratic Party of Socialists (DPS) - Social Democratic Party (SDP) coalition in Parliament voted to extend the deadline for harmonizing the Election Law with the Constitution until October 2009 (two years after the passage of the Constitution). Some opposition leaders have conceded that this weakened their case for delaying the election, and OSCE/ODIHR representatives told foreign diplomats in Podgorica on February 5 that they saw nothing in the existing Election Law that would now contradict the Constitution.

Election Administration

¶5. (SBU) The 11-member State Election Commission (SEC), which is funded from the state budget and includes at least two representatives of opposition parties, is appointed by Parliament. Municipal Election Commissions are appointed by municipal assemblies and oversee municipal elections and polling stations. They are staffed by a chairperson, four permanent members, and one representative of each party/coalition registered for the election. There is a polling station for every 1,000 inhabitants; Montenegro will have approximately 1,350 polling stations.

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Who Can Run

¶6. (SBU) Montenegro's 81-member unicameral parliament is elected from candidate lists submitted by registered political parties, who may run alone or in coalitions. (Note: There are currently over 100 registered political parties, of which 16 are represented in the current Parliament, either on their own or as part of coalitions.) Registered parties/coalitions, as well as groups of citizens, must collect signatures equal to one percent of eligible voters - currently, approximately 5,000 signatures - in order to participate in the election.

¶7. (SBU) Parties/coalitions must get at least three-percent of the total vote in order to enter Parliament. Seats are then allocated proportionally to parties passing this threshold. (Note: The Election Law requires that only half of the seats won by a party or coalition be allocated according to the order of the candidates' names on an electoral list; the party/coalition may allocate the remaining seats to any other candidate appearing on its electoral list.)

Set-Asides for Albanians

¶8. (SBU) Five of the 81 seats in Parliament are elected by votes cast in approximately 70 majority-Albanian polling stations which are designated by Parliament. To win these mandates, parties must obtain at least three percent of votes cast in the designated polling stations. Parties that have already won one or more of the 76 other parliamentary seats in the general election may use only the vote obtained in the specified polling stations to compete for the five Albanian mandates. (Note: In the September 2006 election, the DPS won two of the five seats; three small Albanian parties won a seat apiece.)

Registration Deadlines

¶9. (SBU) The electoral lists of parties/coalitions must be submitted to the State Election Commission (SEC) (and Municipal Election Commissions, in the case of municipal elections) by March 5, 25 days prior to election day. The competent electoral commission must verify the lists within 48 hours of receipt; the submitting party has another 48 hours to eliminate possible errors before the list is officially published. The election commission must publish the order in which candidate lists will appear on the ballot (determined by drawing lots) by March 15.

Who Can Vote

¶10. (SBU) Although the Constitution (and the 2008 Law on Voter Rolls) says that all "citizens" 18 or over may vote, the Election Law refers only to "residents" of Montenegro. In practical terms, this means that all voters on the voting rolls as of September 2006, the date of the last election, may vote (this number includes several thousand individuals - the exact number is not known - who are not Montenegrin citizens). As of January 2009, there were 494,289 eligible voters in Montenegro.

Campaign Financing

¶11. (SBU) The July 2008 Law on Financing of Political Parties specifies the amount that parties/coalitions registered for the

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election may receive from the state budget, and caps donations from private and corporate sources. (Note: The Law allocates approximately one million Euros for the overall campaign, of which 20 percent will be divided among registered parties/coalitions for use during the campaign, and 80 percent will be allocated proportionally to those parties/coalitions which enter Parliament. Funds from other sources may not exceed 20 times the funds allocated to the party/coalition for its pre-election campaign.)

Media Coverage

¶12. (SBU) Once the SEC has confirmed electoral lists (by early March), state-owned Radio and Television of Montenegro (RTCG) is required to provide free and equal airtime (at specially designated times) to each participating party/coalition. The state-owned daily newspaper "Pobjeda" will also announce all campaign rallies free of charge. Parliament also must establish a media code of conduct for all participating parties by February 26.

¶13. (SBU) Campaigning - rallies and media coverage of the campaign - is prohibited 24 hours prior to election day (i.e. at midnight, March 27). Opinion polls also may not be published within ten days of election day (i.e. the last poll may be published on March 19).

Voting Procedures

¶14. (SBU) MECs must set up all polling stations no later than March 19, ten days prior to the election. Each voter should receive by March 24 (five days before the election) a letter stating the date and time of voting, the address of their polling station, and their voter ID number. Voting takes place from 8:00 AM until 9:00 PM on election day.

Proclamation of Results

¶15. (SBU) The SEC must announce the preliminary results of voting within 24 hours of the close of polls. Election participants must file complaints within 72 hours of close of polls. If irregularities are established at a polling station, a repeat vote must be held within seven days of the date that the results at that polling station were annulled.

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